



214 P02 33-8 US
IN P02 13-10 US
Department of State

TELEGRAM

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *pac/m* DATE *3.13.81*

RDS ☐ or XDS ☐ EXT DATE
UNCLASSIFIED 231 REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☒
RELEASE DENIED ☐
PA or FOT EXEMPTIONS

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2817

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ACTION IO-14

INFO OCT-01 EUR-25 NEA-10 ADP-00 CIAE-00 DODE-00 PM-07

H-02 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01

SS-15 USIA-12 FBIE-00 JUSE-00 USSS-00 TRSE-00 RSR-01

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R 281647Z JUN 73
FM USMISSION USUN NY
TO SECSTATE WASHDC 8612
INFO AMEMBASSY MOSCOW
AMEMBASSY TEL AVIV

UNCLAS USUN 2416

E.O. 11652: N/A
TAGS: CGEN, OGEN
SUBJ: TRIAL OF JDL MEMBERS CHARGED IN HURON FIRE BOMBING CASE

REF: USUNIS 1981 AND 2027

1. NY TIMES OF JUNE 27 REPORTS THAT US COURT OF APPEALS HAS VACATED A JUNE 8 CIVIL CONTEMPT CITATION AGAINST SHELDON SIEGEL, WHO WAS CALLED AS A KEY WITNESS BY USC ON MAY 30 AND JUNE 8 IN 1972 HURON BOMBING CASE TO TESTIFY AGAINST STUART COHEN AND SHELDON DAVIS.

2. SIEGEL, RICHARD HUSS AND JEFFREY SMILOW HAD BEEN HELD IN CIVIL CONTEMPT BY JUDGE ARNOLD BAUMAN WHO RECESSED TRIAL WHEN WITNESSES ASKED COURT OF APPEALS TO OVERTURN CONTEMPT ORDERS. COURT OF APPEALS VACATED ORDER AGAINST SIEGEL BECAUSE FBI HAD ILLEGALLY WIRETAPPED HIS CONVERSATIONS AND DESTROYED TAPES, MAKING IT IMPOSSIBLE FOR HIM TO PROVE THAT USG WAS USING ILLEGALLY OBTAINED INFORMATION TO QUESTION HIM AT TRIAL. HUSS AND SMILOW HAVE BEEN IN JAIL SINCE JUNE 8. THEY REFUSED TO TESTIFY UNDER IMMUNITY, ALTHOUGH THEY HAD NOT BEEN OVERHEARD.

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BY GOVT ON ILLEGAL WIRETAPS.

3-34 PAGE DECISION WRITTEN BY CHIEF JUDGE IRVING R. KAUFMAN WITH CONCURRENCE OF JUDGES J. JOSEPH SMITH AND FREDERICK BRYAN CONDEMNED "SENSELESS AND COWARDLY BOMBINGS" BUT VIGOROUSLY REJECTED ILLEGAL WIRETAPS IN CASE.

4. THE BOMBING CASE AGAINST JDL MEMBERS STUART COHEN AND SHELDON DAVIS COULD BE DISMISSED FOR LACK OF EVIDENCE WHEN THEIR TRIAL RESUMES IN FEDERAL COURT ON JUNE 27, IF HUSS AND SMILOW REFUSE TO TESTIFY AGAINST THEM.
SCHAUFEL

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